19 43

Department of Revenue

OFFICE Board of Revenue

STATION Salem

Mis **No.** 91(S)

Dated 30 1.43

1-FEB 1943

Pages in the file

(SUBJECT.)

Escheat - Escheated Estate - S. Kanara
[redacted] taluk - Kokkada and Kaukara
[redacted] Collection of arrears of rent -
[redacted] - Sanctd

Ref.C.No.A3.3031-40. South Kanara Collector's Office, Mangalore, dated 2-1-43.

From

M. Karamatullah, Esq., I.C.S.,
Collector of South Kanara.

The Secretary to the Board of Revenue,
Land Revenue & Irrigation,
Salem.

Sir,

ESCHEAT - Escheated estate - (S.Kanara) - Puttur taluk - Kokkada and Kaukrady villages - Collection of arrears of rent - Filing of a suit - Sanction sought.

I invite the Board's attention to G.O.No.Ms.5018, Home, dated 12-12-40 communicated with B.P.Misc.No.3585, dated 17-12-40 and to the Board's proceedings Rt.No.3091, dated 30-6-41. All the escheated lands of Kokkada, Kaukrady and Nelliyadi villages of Puttur taluk, referred to in the above orders, have been disposed of by sale with e--- effect from 1-4-

2. As approved in B.P.Rt.No.3091, dated 30-6-41, the escheated lands in question were leased out to the tenants for the year 1941-42 also. Ahmad Saheb S/o Moidin Saheb, one of the tenants to whom some lands of Kokkada and Kaukrady villages were leased out, had to pay, on or before 31-3-42, 58 muras of rice in kind and Rs.74-0-0 in cash as the rent stipulated in the lease deed executed by him. On 18-4-42, the Dty.Tahsildar, Belthangady, collected 34 muras of rice and Rs.23-0 in cash from this tenant. A sum of Rs.100-0-0 was received by the Dty Tahsildar on 10-7-42 by insured post, and further sums of Rs.6-0-0 and Rs.20-0-0 were received by him on 25-8-42 and 21-10-42 respectively towards the arrears of rent due from the said tenant. Valuing rice at the court rate of Rs.5-12-0 per mura, which prevailed on 31-3-42, the total amount of rent due from him was Rs.407-8-0, out of which he has far paid only Rs.344-8-0. The balance of Rs.63-0-0 with interest still remains uncollected in spite of several efforts made by the Dty.Tahsildar to collect it.

3. The Dty.Tahsildar finally reported that there was no way of realizing the balance of the arrears except by filing a civil suit against him for its recovery and that it would be possible to realize the amount with court costs if a decree is obtained against him. The Government Pleader, Mangalore, who was consulted in the matter, state that no lawyer's notice of demand was necessary to obtain costs in a suit for arrears of rental; but he suggested that the defaulter may b given a last chance to pay up the arrears, by issuing a notice callin on him to pay the arrears by a certain date, failing which legal proceedings would be instituted. Accordingly a final notice was served on him on 25-9-42 and the 10 days' time allowed to him expired on 5-10-42. Still the defaulter has not paid up the arrears of rent due from him.

4. I, therefore, request that the Board may be pleased to accord sanction to file a suit in the Dt. Munsiff's Court, Puttur, against the defaulter for the recovery of the said balance of the arrears. I enclose the draft plaint to be filed in the court as drafted by the Government Pleader, Mangalore; and scrutinized by me. It may be approved.

5. The lease deed executed by the tenant is enclosed for favour of reference and return.

I have the honour to be,
Sir,
Your most obedient servant,
for Collector.

B.P. Misc 3585 of 17.12.40 referred in para 1 of the Collr's letter being called for from the Madras records. This may await the receipt of the B.P till 12.1.43.

AS(9)

Pl. See the note above. Please reside as per orders of AS(9) on it. The B.P is not yet received. Madras office being reminded again today. This may kindly be allowed till 16.1.43

12.1.43

To AS(9)

Pl. see orders of AS(9) at the right side bottom over leaf. The B. P in question is reported to be not available at the Madras records. The Madras office is being asked to recover the B. P from the concerned clerk who is reported to have taken it and send it at once. The file may lie over till 23. 1. 43 for the receipt of the B. P

18/1/43

F. W S

Subject over leaf

From the Collr of S. Kanara Ref. c. no A3. 3031 - 40 of 2. 1. 43

Res (Mis) 91 (S) of 30. 1. 43

In the circumstances reported the Board sanctions the filing of a suit against Ahmad Saheb for the recovery of arrears of rental and approves the draft plaint submitted by the Collr subject to the following amendments:-

(1) Substitute "The Province of Madras represented by the Collr of S. Kanara" ~~should be substituted~~ for "The Province of Madra as the plaintiff.

(2) In para III (1) substitute the words "described in schedule B" ~~should be substituted~~ for mentioned".

(3) In para III (2) (a) Correct the third word in the first line "is" ~~should be corrected~~ as 'in' for 'Schedule' in the II sentence ~~of the same para~~ Substitute "Schedule A".

28/1

30/1

* The Collr of Kanara will have to ask for

In the Court of the District Munsif of Puttur.

S.C.No. of 1942.

Between,

The Province of Madras.....Plaintiff.

And

Ahmed Saheb.....Defendant.

Plaint under Order VII rule I Civil Procedure Code.

The Plaintiff abovenamed begs to state as follows:-

I. The Plaintiff is the Province of Madras.

II. The Defendant Ahmed Saheb is the son of Hagalvadi Moidin Saheb, aged about 41 years, residing in Kokkada Pete, Kokkada village, Puttur Taluk.

III.1. On 30-3-1941 the Defendant executed a chalageni chit in favour of the Government of Madras, obtaining on lease the properties mentioned hereunder, undertaking to pay a rent of 58 muras of rice and Rs.74/- by 31-3-1942 with interest at 6¼% from the due date in default.

2. The defendant in spite of repeated demands has paid only 34 muras of rice and Rs.23/- on 18-4-1942, Rs.100/- on 10-7-1942, Rs.6/. on 25-8-1942 and Rs.20/- on 21-10-1942. The balance is still due; and the plaintiff is constrained to institute this suit for the same as shown in the Schedule A below.

IV. The cause of action for this suit arose on 31-3-1942 and subsequently at Kokkada village within the jurisdiction of this Court.

V. Plaintiff values the reliefs sought in this suit at Rs.69-2-4 for the purpose of Court Fee and jurisdiction.

VI. Plaintiff therefore prays for a decree and judgment directing defendant)

a) to pay Plaintiff the balance of rent as shown in Schedule A below ..... Rs.69-2-4.
b) future interests and costs .....
c) And such other reliefs as the Court might deem fit.

Court fee Stamp of Rs.5-4-0 is paid.

South Kanara Collector's Office,
Mangalore, Dated: 2-1-43. Collector.

I, M. Karamatullah, Esq., I.C.S., Collector of South Kanara, do hereby declare that the fact stated above are true to the

P.T.O.

best of my knowledge and belief.

South Kanara Collector's Office,
Mangalore, dated 2-1-43.

Collector.

Schedule.A.

Amt due to the Plaintiff from the defendant as per terms of the chalageni chit, rice being valued at Rs.5-12-0 a mura on 30-3-1942.....		Rs.407-8-0
.Interest on Rs.407-8-0 at 6¼% from 30-3-1942 to 18-4-1942.....		Rs. 1-5-0
.Received on 18-4-1942, 34 muras of rice and Rs.23/- in cash, rice valued at Rs.5-12-0 a mura.....	Rs.218-8-0	
.Balance due.....		Rs.190-5-0
.Interest on Rs.190-5-0 at 6¼% from 18-4-42 to 10-7-1942.....		Rs. 2-11-2
.Received on 10-7-1942.....	Rs.100 0 0	
.Balance due.....		Rs. 93-0-2
.Interest on Rs.93-0-2 at 6¼% from 10-7-42. to 25-8-1942.....		Rs. 0-11-6
.Received on 25-8-1942.....	Rs. 6-0-0	
.Balance due.....		Rs. 87-11-8
.Interest on Rs.87-11-8 at 6¼% from 25-8-42 to 21-10-1942.....		Re. 0-13-8
.Received on 21-10-1942.....	Rs.20-0-0	
.Balance due.....		Rs. 68-9-4
.Interest on Rs.68-9-4 at 6¼% from 21-10-1942 ~~to~~ upto 7-12-1942.....		Re.0-9-0
.Balance due ~~to~~ up to 7-12-42.....		Rs.69-2-4

for Collector.

South Kanara Collector's Office,
Mangalore, dated 2-1-43.

Schedule B.

Properties situated in Puttur taluk, South Kanara District.

Kokkada village.

S.No.	Description.	Extent.	Assessment.
27/3	Wet.	0.50	2-2-0
/8	"	0.49	2-1-0
/12	"	1.00	0-14-0
/13	Dry	0.56	0-5-0
/14	Wet	0.26	0-5-0
/15	Garden	0.22	1-4-0
26/4	Wet	0.38	1-10-0
25/5	"	0.76	3-4-0
18/4	"	0.26	0-7-0
26/8	"	0.18	0-3-0
130/5	"	0.96	4-1-0
32/1	Dry	5.12	1-15-0
33/1	"	3.38	2-9-0
/2	Wet	0.33	0-6-0
/3	"	2.92	12-7-0
32/5	Garden	0.76	2-9-0
120/5	Wet	3.02	2-10-0
/7	"	3.23	2-13-0
33/5	"	2.39	10-3-0
26/9	"	1.61	6-14-0
208/	Garden	1.17	2-10-0

Kavukrady village.

50/15	Wet	1.29	3-10-0

K 63/43

AS(9) Escheat. S. Kanara. ~~Escheated Lands~~ Puttur Tk. Kolkkada and Kankradu villages. Collection of arrears of rent. Filing of a suit. Sanction Sought From the Coll of S. Kanara Cy 2-1-43 ; rcd on 8-1-43

To AS(9)

The coll requests sanction for the filing of a suit for the recovery of the balance of arrears from one Ahmad Saheb, who was one of the lessees of the escheated lands in Kolkkada and Kankrady villages. These lands were sold on 1-4-42 when the defaulter had to pay 58 muras of rice and Rs 714/- cash ie Rs 1407-8-0 in value out of which only Rs 344-8-0 was paid and the balance remains to be paid. The tenant ~~has~~ seems to have been slowly paying off the arrears but still Rs 63/- with interest thereon remains to be collected. The Dy. Tahy recommended the filing of a suit for the arrears. Even the notice issued to the defaulter as suggested by the G. P. Mangalore had no response

In the circumstances, the suit for arrears of rental has to be filed. Sanction may be accorded for the filing of the suit. The amount involved is only about Rs 65.

2/ The draft plaint submitted by the Collr vide at pages 5-6 of ~~the~~ file is forwarded by the G.P and scrutinized by the Collr. It may be approved subject to the following amendments The Province of Madras represented by the Collr may be put down as the plaintiff in para III(1) of the draft plaint the words "described in the Schedule B" may be substituted for 'mentioned' In para III (2) the third word in the first line 'as' may be corrected as 'in'. For the word 'schedule' in the 11th sentence of the same para III(2) substitute 'described A'.

A Province of Madras

B

Joint Secy. 25 JAN 1943

A and B may be approved.

RG 25/1

ASSISTANT SECRETARY. 28 JAN 1943

To Bs(9)

Draft submitted herein for approval

C. J. S. 28/1/43 M.1 Ex (D)

R.F.No. Rev 91 (S)
Dated 30.1.43

Single Member / Full Board

I-A	D.D.S L.R	Asst.Secretary L.R	Irrgn	C.T cis	Ex-	U.S.Sec/.

Open file copy
Final draft s
Not circulated

Initials

Secretary

Jt. Secretary

A.S.(L.R.)

A.S.(Irrgn.)

A.S.(Excise)

A.S.(Comml. Taxes)

D.D.S. & L.R.

L.A.

Passed for recor

Note - Entries not required to be scored out.